SINGLE BENCH

(13)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION NO. 5082 /2005

PETITIONER

P.R. No. 5182/05
Presented by Shri CH.RS.Rao
dated 4/10/05

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Dr. Rajendra Prasad Shukla, aged about 40 years, son of Late Shri Rampati Shukla, Chief Executive Officer, Janpad Panchyat Patthalgaon, Distt. Jashpur (C.G.) resident of village Dhakhara, Post – Deogaon, Tah – Raipurkarkarchuliyan, District Reewa (Madhya Pradesh).

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : Its Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. Commissioner, Tribal Welfare, Raipur (C.G.)

3. Collector, Jashpur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA,

XI-HC-78

(27)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 5082/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.10.2005

Shri A.N. Bhakta, counsel for the petitioner.

Shri Pankaj Shrivastava, Panel Lawyer for the State on advance copy.

Heard.

The facts of the case are that the petitioner was put under suspension on 23.4.2001. After his suspension, since no action has been taken by the concerned authority, the petitioner filed a writ petition bearing No. 1333 of 2002. This writ petition came up for hearing before the Division Bench of this Court on 27.4.2004 and the Division Bench passed following orders:

> *"Shri A.N. Bhakta, counsel for the petitioner.*
>
> *Shri V.V.S. Murthy, Deputy Advocate General for the State/respondents No. 1, 2 and 6.*
>
> *Heard both the counsel.*
>
> *Even after the writ petition is filed no enquiry officer has been appointed. We are also informed even the presenting officer has also not been nominated. In fact, the writ petitioner submitted his explanation about three years back.*
>
> *According to the circular dated 22/23.8.1990 issued by the erstwhile State of Madhya Pradesh, if the enquiry is not completed within a period of one year, then the concerned Department is required to conduct review after every six months. We are informed that in this case, the petitioner is under suspension since last more than three years and nothing has been produced on record, which shows that any review has been conducted and*

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 5082/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

continuation of suspension of the petitioner is in the public interest.

Therefore, we direct the respondents to reinstate the petitioner with immediate effect.

With this direction, the petition stands disposed of."

As an effect of the aforesaid order passed by the Division Bench on 27.7.2004, the petitioner was reinstated vide order dated 26.8.2004 (Annexure-P/3). In para-2 of the aforesaid order, it has been mentioned that the dispute pertaining to the period of suspension shall be decided separately.

Learned counsel for the petitioner submits that though the order was passed on 26.8.2004, the respondent has not decided the case of the petitioner pertaining to the aforesaid order as mentioned in para-2 of the order dated 26.8.2004. He further submits that the petitioner has made many representations in this regard. He refers to last representation dated 31.8.2004.

However, learned counsel for the petitioner submits that for the present, this petition may be disposed of with a liberty to the petitioner to file a detailed representation in this regard before the concerned authority and the concerned authority may be directed to dispose of his representation within the stipulated period granted by this Court.

This limited prayer made by learned counsel for the petitioner is not opposed by learned State Counsel.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 5082 / 2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	If so advised, the petitioner may file afresh representation along with certified copy of this order and copy of this writ petition before the concerned authority within a period of 4 weeks from today and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of 8 weeks from the date of filing/receipt of the said representation. The point of decision would be about entitlement of the service benefit of the petitioner pertaining to the period of suspension as is referred in para-2 of the order dated 26.8.2004 (Annexure-P/3). With the aforesaid observations and direction, this petition stands finally disposed of. Certified copy as per rules. **Sd/-** **Sunil Kumar Sinha** **Judge**	